

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Bates
Title: TIME RECORDING AND
MANAGEMENT SYSTEM
Appl. No.: 10/763,832
Filing Date: 01/23/2003
Examiner: Cheryl Lewis
Art Unit: 2167

<u>CERTIFICATE OF FACSIMILE TRANSMISSION</u> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Todd A. Rathe</u> (Printed Name) _____ (Signature) _____ (Date of Deposit)
--

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Todd A. Rathe, state and declare that:

1. I have information regarding U.S. Patent Application No. 10/763, 832 titled "TIME RECORDING AND MANAGEMENT SYSTEM" (hereinafter "the '832 application").
2. Prior to the July 26, 2002, the filing date of U.S. Patent Application Serial No. 10/205,204, I used the program constituting a reduction to practice of the ideas set forth in the claims 1-32 in the '832 application and described in the '832 application as evidenced by the attached Exhibit.
3. The attached entire Exhibit (including the sheets labeled "FIG. 3", "FIG. 6", "FIG 8", "FIG. 9", "EXHIBIT E", "EXHIBIT F", "EXHIBIT G", "EXHIBIT B", EXHIBIT C" AND EXHIBIT D") is an exact copy of the redacted screenshots included in US provisional application serial number 60/442,145, from which the present application claims priority. The sheet labeled "FIG. 8" evidences my use of the program as early as February 2002. I personally made the data entries which resulted in the display of the values depicted

in FIGs. 3 and 8. The notation "TAR Time Spreadsheet" evidences my use of this program in that my initials are "TAR". Each of the screenshots of the entire Exhibit were taken from a spreadsheet and associated macros which was reduced to practice before July 26, 2002. The sheet labeled "FIG. 3" indicates that the daily timesheet is for the fiscal year 2002, which in the particular circumstance ended on January 31, 2003. The sheet labeled "FIG. 8" further indicates reduction to practice and use of the program as early as February, 2002. Note that time values were calculated for the entire month of February 2002. The sheet labeled "FIG. 9" further evidences use of the program as early as 2002. The sheets labeled "EXHIBIT E", "EXHIBIT F", and "EXHIBIT G" (labels from the provisional application (60/442,145) provide software code for the program. This software code was used to generate the numerical values and other items shown in cells of screen displays depicted in the above described Figs. 3, 8 and 9. The sheets labeled "EXHIBIT B", "EXHIBIT C" and "EXHIBIT D" (labels from the provisional application (60/442,145) illustrate formulas (including associated function calls and links) in the cells of a spreadsheet. These are the same formulas used to generate the numerical values and other items shown in the cells of the screen displays depicted in the above described Figs. 3, 8 and 9.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date 2-1-2007

By Todd A. Rathe
Todd A. Rathe

FIG. 3

The image shows a computer screen with a spreadsheet application open. The spreadsheet has columns labeled A through Q. The data includes dates, times, and numerical values. A dialog box titled "Update Time / Generate Report" is open in the center of the screen. The dialog box has several buttons: "Reopen / Update Time for One Day", "Close / Print Time for One Day", "Close Time for One Day", "Retotal / Close Time for All Days", and "Cancel". The spreadsheet data includes rows for dates like 1/3/03, 1/6/03, and 1/10/03, with corresponding times and numerical values. The taskbar at the bottom shows various open applications like "Inbox - Micro...", "Microsoft...", "MANAGE - (I...", "United State...", "My Computer", and "Microsoft W...". The system clock in the bottom right corner shows "6:43 PM".

FIG. 8

Microsoft Excel - #1179187v1 - 999800/301 - TAR Time Spreadsheet

File Edit View Insert Format Tools Data Window Help

Arial 10

B4 02/01/2002

Hours:	Daily Totals										Cum.		Req. Daily		My		Target	
Target:											Bill	N Bill	Projected	Billable	Projected			
Day	Date	Billable	Nonbillable								Hours	Hours	Hours	Avg.	Hours	Month	Hours	
1	02/01/02	6.3	0.7								6.3	0.7	2299.5	6.67	1800.2	February	137.0	
2	02/02/02										6.3	0.7	1149.8	6.69	1600.2	March		
3	02/03/02										6.3	0.7	766.5	6.69	1600.2	April		
4	02/04/02	6.1	0.6								12.4	1.3	1131.5	6.67	1574.8	May	187.5	
5	02/05/02	6.0	0.0								18.4	1.3	1343.2	6.67	1557.9	June	146.7	
6	02/06/02	9.3	0.0	7.3	avg						27.7	1.3	1685.1	6.66	1759.0	July	126.6	
7	02/07/02	6.7	0.0	36.3	total billable						34.4	1.3	1793.7	6.66	1747.5	August	193.0	
8	02/08/02	8.2	0.2	0.8	total nonbillable						42.6	1.5	1943.6	6.66	1803.4	September	201.6	
9	02/09/02										42.6	1.5	1727.7	6.68	1803.4	October	111.8	
10	02/10/02										42.6	1.5	1554.9	6.68	1803.4	November	114.6	
11	02/11/02	7.5	0.0								50.1	1.5	1662.4	6.65	1817.9	December	110.0	
12	02/12/02	6.9	0.0								57.0	1.5	1733.8	6.65	1809.8	January	102.9	
13	02/13/02	6.1	0.0	6.9	avg						63.1	1.5	1771.7	6.65	1760.8		19.7	
14	02/14/02	5.0	0.5	34.7	total billable						68.1	2.0	1775.5	6.66	1729.7	TOTAL	1,451.8	
15	02/15/02	9.2	0.0	0.5	total nonbillable						77.3	2.0	1981.0	6.65	1784.9		1,950.0	
16	02/16/02										77.3	2.0	1763.4	6.68	1784.9	Target:	1950	
17	02/17/02										77.3	2.0	1659.7	6.68	1784.9			
18	02/18/02	7.7	0.2								85.0	2.2	1723.6	6.65	1799.2			
19	02/19/02	7.3	0.0								92.3	2.2	1773.1	6.64	1803.4	New Users:	Type in the number of h	
20	02/20/02	7.2	1.5	7.1	avg						99.5	3.7	1815.9	6.64	1805.2		in columns C and D as t	
21	02/21/02	6.8	2.2	35.3	total billable						106.3	5.9	1847.6	6.64	1800.0		Your monthly hours will	
22	02/22/02	6.3	0.3	4.2	total nonbillable						112.6	6.2	1868.1	6.64	1787.5		these numbers will go to	
23	02/23/02										112.6	6.2	1786.9	6.67	1787.5		Pace* number.	
24	02/24/02										112.6	6.2	1712.5	6.67	1787.5			
25	02/25/02	7.5	0.0								120.1	6.2	1753.5	6.64	1794.4			
26	02/26/02	7.3	0.6								127.4	6.8	1788.5	6.64	1797.8			
27	02/27/02	6.0	1.4	5.7	avg						133.4	8.2	1803.4	6.64	1783.3			
28	02/28/02	3.6	1.1	28.3	total billable						137.0	9.3	1785.9	6.65	1739.9			
29	03/01/02	3.9	1.9	5.0	total nonbillable						140.9	11.2	1773.4	6.66	1704.2			
30	03/02/02										140.9	11.2	1714.3	6.69	1704.2			

Ready

Start

Inbox - Micr...

Microsoft...

MANAGE...

United State...

My Computer

Microsoft W...

6:50 PM

FIG. 9

16

94

Microsoft Excel - #1179187/v1-999000/301 - TAB Time Spreadsheet

File Edit View Insert Format Tools Data Window Help

Font: Arial, 10pt, Bold, Italic, Underline, Text Color, Background Color, Paragraph: Indent, Decrease Indent, Increase Indent, Bullets, Numbering, Decrease List Level, Increase List Level, Merge and Center, Center, Left, Right, Justify, Wrap Text, Merge Cells, Unmerge Cells, Sort Ascending, Sort Descending, Filter, AutoFilter, Data Validation, Conditional Formatting, Styles, Format Painter, Copy, Paste, Undo, Redo, Find, Replace, Help, About

100%

	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	
1			Target						Random Calculations:						
2			Monthly						Date	Work = 1	Work Days	Days			
3	Month	Hours	Avg.	Plus/Minus					to Work =	Left	Worked			Pace	
4	February	137.0	162.5	(25.5)				Fri	02/01/02	1	254	1	02/01/02	2299.5	
5	March		162.5			0		Sat	02/02/02	0	253	1	02/02/02	1149.8	
6	April	187.5	162.5	25.0				Sun	02/03/02	0	253	1	02/03/02	766.5	
7	May	146.7	162.5	(15.8)				Mon	02/04/02	1	253	2	02/04/02	1131.5	
8	June	126.8	162.5	(35.7)				Tue	02/05/02	1	252	3	02/05/02	1343.2	
9	July	193.0	162.5	30.5				Wed	02/06/02	1	251	4	02/06/02	1685.1	
10	August	201.8	162.5	39.3				Thu	02/07/02	1	250	5	02/07/02	1793.7	
11	September	111.8	162.5	(50.7)				Fri	02/08/02	1	249	6	02/08/02	1943.6	
12	October	114.6	162.5	(47.9)				Sat	02/09/02	0	248	6	02/09/02	1727.7	
13	November	110.0	162.5	(52.5)				Sun	02/10/02	0	248	6	02/10/02	1554.9	
14	December	102.9	162.5	(59.6)				Mon	02/11/02	1	248	7	02/11/02	1662.4	
15	January	19.7	162.5	(142.8)				Tue	02/12/02	1	247	8	02/12/02	1733.8	
16								Wed	02/13/02	1	246	9	02/13/02	1771.7	
17	TOTAL	1,451.8	1,950.0	(335.7)				Thu	02/14/02	1	245	10	02/14/02	1775.5	
18	Target:	1950						Fri	02/15/02	1	244	11	02/15/02	1881.0	
19								Sat	02/16/02	0	243	11	02/16/02	1763.4	
20								Sun	02/17/02	0	243	11	02/17/02	1659.7	
21								Mon	02/18/02	1	243	12	02/18/02	1723.6	
22	New Users: Type in the number of hours worked (billable and nonbillable) in columns C and D as the year goes on. Your monthly hours will be calculated at the upper right, and these numbers will go toward calculating your "Pace" number.							Tue	02/19/02	1	242	13	02/19/02	1773.1	
23								Wed	02/20/02	1	241	14	02/20/02	1815.9	
24								Thu	02/21/02	1	240	15	02/21/02	1847.6	
25								Fri	02/22/02	1	239	16	02/22/02	1868.1	
26								Sat	02/23/02	0	238	16	02/23/02	1786.9	
27								Sun	02/24/02	0	238	16	02/24/02	1712.5	
28								Mon	02/25/02	1	238	17	02/25/02	1753.5	
29								Tue	02/26/02	1	237	18	02/26/02	1788.5	
30								Wed	02/27/02	1	236	19	02/27/02	1803.4	
31								Thu	02/28/02	1	235	20	02/28/02	1785.9	
32							Fri	03/01/02	1	234	21	03/01/02	1773.4		
33							Sat	03/02/02	0	233	21	03/02/02	1714.3		

Ready

Start

Inbox - Microsoft...

Microsoft...

MANAGE...

United State...

My Computer

Microsoft W...

6:51 PM

```
Sub InsertTime()  
,  
' Macro1 Macro  
' Macro recorded 2/13/2001 by  
,  
' Keyboard Shortcut: Ctrl+x  
,  
  
CurrRow = ActiveCell.Row  
CurrCol = ActiveCell.Column  
If CurrRow < 8 Then Exit Sub  
If CurrCol = 1 Then  
    Cells(10000, 1).Select  
    ActiveCell.End(xlUp).Select  
    If ActiveCell.Value = Date Then  
        TodayStarted = True  
        MsgBox "Today has already been started. Nothing to do."  
        Exit Sub  
    Else  
        TodayStarted = False  
        Cells(ActiveCell.Row, 4).Select  
        Do While Cells(ActiveCell.Row + 1, 4).Value > 0  
            Cells(ActiveCell.Row + 1, 4).Select  
        Loop  
        Cells(ActiveCell.Row + 3, 1).Select  
        ActiveCell.Value = Date  
        ActiveCell.Offset(0, 1).Select  
        CurrCol = 2  
    End If  
End If  
Select Case CurrCol  
Case 2  
    If ActiveCell.Value <> "" And ActiveCell.Value <> ActiveCell.Offset(-1, 1).Value And  
ActiveCell.Offset(-1, 1).Value <> "" Then  
        ActiveCell.Value = ActiveCell.Offset(-1, 1).Value  
    Else  
        ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"  
        Selection.Copy  
        Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:=  
        False, Transpose:=False  
        ActiveCell.Offset(0, 1).Activate  
        ActiveCell.Value = ActiveCell.Offset(0, -1).Value + 1 / (10 * 24)  
    End If  
Case 3  
    SystemHour = Hour(Time)  
    SystemMinute = Minute(Time)  
    SystemTime = (SystemHour / 24) + (SystemMinute / (60 * 24))
```

EXHIBIT E

```

TimeDiff = Abs(SystemTime - ActiveCell.Offset(0, -1).Value)
If TimeDiff < 1 / (60 * 24) Then
    ActiveCell.Value = ActiveCell.Value + 1 / (10 * 24)
Else
    ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"
    Selection.Copy
    Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:= _
        False, Transpose:=False
End If
Case 5, 6, 7, 8
    If Cells(CurrRow, 5) = "" And Cells(CurrRow, 6) = "" And Cells(CurrRow, 7) = "" And
Cells(CurrRow, 8) = "" Then
        Range(Cells(CurrRow, 5), Cells(CurrRow, 7)).Value = Range(Cells(CurrRow - 1, 5),
Cells(CurrRow - 1, 7)).Value
    Else
        Cells(10000, 1).Select
        ActiveCell.End(xlUp).Select
        CurrDate = Date
        If ActiveCell.Value = CurrDate Then
            TodayStarted = True
        Else
            TodayStarted = False
        End If

        Cells(ActiveCell.Row, 4).Select
        Do While Cells(ActiveCell.Row + 1, 4).Value > 0
            Cells(ActiveCell.Row + 1, 4).Select
        Loop

        If TodayStarted Then
            NewRow = ActiveCell.Row + 1
            NewCol = 2
        Else
            NewRow = ActiveCell.Row + 3
            NewCol = 1
            Cells(NewRow, NewCol).Select
            ActiveCell.Value = Date
            ActiveCell.Offset(0, 1).Select
        End If

        Cells(NewRow, 2).Select
        ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"
        Selection.Copy
        Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:= _
            False, Transpose:=False
        ActiveCell.Offset(0, 1).Activate

```

EXHIBIT E

Selection.PasteSpecial Paste:=xlValues

If CurrCol = 8 Then

Range(Cells(NewRow, 5), Cells(NewRow, 8)).Value = Range(Cells(CurrRow, 5),
Cells(CurrRow, 8)).Value

Else

Range(Cells(NewRow, 5), Cells(NewRow, 7)).Value = Range(Cells(CurrRow, 5),
Cells(CurrRow, 7)).Value

End If

End If

End Select

Application.CutCopyMode = False

End Sub

EXHIBIT F

Public FormCancelled As Boolean
 Public ReportOption As Integer
 Public NextRow As Integer

Sub TotalTime()
 ,

' Macro1 Macro
 ' Macro recorded 02/13/2002 by David Bates
 ,

ReportOption = 0
 Load TimeUpdtRptGnrt
 TimeUpdtRptGnrt.Show
 TimeUpdtRptGnrt.Hide
 Unload TimeUpdtRptGnrt

If ReportOption = 0 Then Exit Sub

Sheets("Daily Timesheet").Select
 CurrRow = ActiveCell.Row
 CurrCol = ActiveCell.Column
 NextRow = CurrRow
 Select Case ReportOption
 Case 0
 Exit Sub
 Case 1, 2, 4
 NextRow = HandleOneDay(NextRow)
 Case 3
 NextRow = 10000
 Cells(NextRow, CurrCol).Select
 Do While NextRow > 8
 NextRow = HandleOneDay(NextRow)
 Loop
 End Select
 Cells(CurrRow, CurrCol).Select
 End Sub

Function HandleOneDay(xRow)
 Sheets("Daily Timesheet").Select
 Cells(NextRow, 1).Select
 If Cells(ActiveCell.Row, 1).Value = "" Then
 ActiveCell.End(xlUp).Select
 End If
 CurrDate = ActiveCell.Value
 UpperRow = ActiveCell.Row
 LowerRow = UpperRow
 Do While Cells(LowerRow + 1, 4).Value > 0

EXHIBIT F

```

LowerRow = LowerRow + 1
Loop
NextRow = UpperRow - 2

Range("B" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
Selection.Sort Key1:=Range("E" + Format(UpperRow)), Order1:=xlAscending,
Key2:=Range("F" + Format(UpperRow)) _
), Order2:=xlAscending, Header:=xlNo, OrderCustom:=1, MatchCase:=False _
, Orientation:=xlTopToBottom

If Cells(1, 10).Value = "TAR" Then
    TARMethod = True
Else
    TARMethod = False
End If

TotalHours = 0
TotalBill = 0
TotalNonBill = 0
SubTotalHours = 0
For x = UpperRow To LowerRow
    SubTotalHours = SubTotalHours + Cells(x, 4).Value
    If Cells(x, 7).Value = "N" Or Cells(x, 7).Value = "n" Then
        NonBill = True
        Cells(x, 9).Value = "--"
        Cells(x, 10).Value = Cells(x, 4).Value
    Else
        NonBill = False
        Cells(x, 9).Value = Cells(x, 4).Value
        Cells(x, 10).Value = "--"
    End If

    If Cells(x, 5).Value <> Cells(x + 1, 5).Value Or Cells(x, 6).Value <> Cells(x + 1, 6).Value Or
    Cells(x, 7).Value <> Cells(x + 1, 7).Value Or x = LowerRow Then
        If TARMethod Then
            SubTotalHours = Application.WorksheetFunction.Ceiling((SubTotalHours - 1 / 60), 0.1)
        End If
        If NonBill Then
            TotalNonBill = TotalNonBill + SubTotalHours
        Else
            TotalBill = TotalBill + SubTotalHours
        End If
        TotalHours = TotalHours + SubTotalHours
        If ReportOption = 2 Then
            Cells(x, 11).Value = ""
        Else

```

EXHIBIT F

```

        Cells(x, 11).Value = SubTotalHours
    End If
    SubTotalHours = 0
    If ReportOption <> 2 Then
        Range(Cells(x, 1), Cells(x, 11)).Select
        DrawBottomLine (True)
    End If
    Else
        Cells(x, 11).Value = ""
    End If
Next x

If ReportOption = 2 Then
    Range(Cells(LowerRow + 1, 9), Cells(LowerRow + 1, 11)).Font.Bold = False
    Cells(LowerRow + 1, 9).Value = ""
    Cells(LowerRow + 1, 10).Value = ""
    Cells(LowerRow + 1, 11).Value = ""
Else
    Range(Cells(LowerRow + 1, 9), Cells(LowerRow + 1, 11)).Font.Bold = True
    Cells(LowerRow + 1, 9).Value = TotalBill
    Cells(LowerRow + 1, 10).Value = TotalNonBill
    Cells(LowerRow + 1, 11).Value = TotalHours
End If

Sheets("2002").Select
Cells(4, 2).Select
MatchingRow = 4
Do While Cells(MatchingRow, 2).Value <> CurrDate
    MatchingRow = MatchingRow + 1
    If MatchingRow > 400 Then
        MsgBox "Unable to update time because day match not found" + Chr(13) & Chr(10) +
        "Dates must be entered with four digit years, e.g., 1/1/2002"
        Exit Do
    End If
Loop
Cells(MatchingRow, 3).Value = TotalBill
Cells(MatchingRow, 4).Value = TotalNonBill

Sheets("Daily Timesheet").Select
Range("A" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
If ReportOption = 2 Then
    RemoveAllLines (True)
    Range("B" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
    Selection.Sort Key1:=Range("B" + Format(UpperRow)), Order1:=xlAscending,
    Header:=xlNo, _
    OrderCustom:=1, MatchCase:=False, Orientation:=xlTopToBottom

```

EX141317 F

```

Else
    DrawThickBorder (True)
End If

If ReportOption = 1 Then
    Dim printRange As String
    printRange = "A" + Format(UpperRow) + ":" + "K" + Format(LowerRow + 1)
    With Worksheets("Daily Timesheet")
        .PageSetup.PrintArea = printRange
        .PrintOut
    End With
End If

```

```

HandleOneDay = UpperRow - 2
End Function

```

```

Function DrawBottomLine(DrawBottom)
With Selection.Borders(xlEdgeBottom)
    .LineStyle = xlContinuous
    .Weight = xlThin
    .ColorIndex = xlAutomatic
End With
End Function

```

```

Function RemoveAllLines(RemoveLines)
Selection.Borders(xlDiagonalDown).LineStyle = xlNone
Selection.Borders(xlDiagonalUp).LineStyle = xlNone
Selection.Borders(xlEdgeLeft).LineStyle = xlNone
Selection.Borders(xlEdgeTop).LineStyle = xlNone
Selection.Borders(xlEdgeBottom).LineStyle = xlNone
Selection.Borders(xlEdgeRight).LineStyle = xlNone
Selection.Borders(xlInsideVertical).LineStyle = xlNone
Selection.Borders(xlInsideHorizontal).LineStyle = xlNone
End Function

```

```

Function DrawThickBorder(Border)
With Selection.Borders(xlEdgeBottom)
    .LineStyle = xlContinuous
    .Weight = xlThick
    .ColorIndex = xlAutomatic
End With
With Selection.Borders(xlEdgeTop)
    .LineStyle = xlContinuous
    .Weight = xlThick
    .ColorIndex = xlAutomatic
End With

```

EXHIBIT F

With Selection.Borders(xlEdgeLeft)

.LineStyle = xlContinuous

.Weight = xlThick

.ColorIndex = xlAutomatic

End With

With Selection.Borders(xlEdgeRight)

.LineStyle = xlContinuous

.Weight = xlThick

.ColorIndex = xlAutomatic

End With

End Function

```
Private Sub cmdCloseDailyTime_Click()  
ReportOption = 4  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdCloseTimePrntRprt_Click()  
ReportOption = 1  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdUpdtTmWORprt_Click()  
ReportOption = 2  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdUpdtAndCloseAllTm_Click()  
ReportOption = 3  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdCancelForm_Click()  
ReportOption = 0  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

EXHIBIT B

[illegible]

XXX.XXXXXX.XA

EXHIBIT D

[illegible]
